



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

GREGORY A. WHIRLEY
ACTING COMMISSIONER

August 30, 2006

Mr. James O. McReynolds
County Administrator
P.O. Box 532
Yorktown, VA 23690

Subject: Proposed Abandonment of all or portions of York County Routes 640 and 1122
in the vicinity of Water Country USA

Dear Mr. McReynolds:

This letter, on behalf of Commissioner Greg Whirley, is to respond to the County's proposed abandonments of York County Routes 640 and 1122. Please share this document with the members of the County Board.

Because of factors that will become evident, I will address each situation separately.

Route 1122

VDOT understands the portion of Route 1122 proposed for abandonment is not currently used by the public and that all land owners served support the abandonment. In the absence of any opposition and provided no landowners are landlocked from access to a public roadway as a result of this proposed abandonment, VDOT supports the abandonment of Route 1122.

Route 640 - from the entrance to Water Country USA to Route 640's end of state maintenance

In the absence of any opposition and provided no landowners are landlocked from access to a public roadway as a result of the abandonment, VDOT supports the abandonment of this portion of Route 640.



Route 640 - from Route 199 to the existing entrance to Water Country USA

VDOT understands:

- This portion of Route 640 provides the only public access to Water Country USA;
- That a new entrance to serve Water Country is proposed that anticipates a break in the limited access along Route 199 and that such a break has not yet been approved by the Commonwealth Transportation Board. Consequently, that can not be considered a factor;
- That in the event such a break in limited access is approved and a new entrance is available, Water Country USA desires the existing entrance to continue to be served by a public roadway, as an alternative means of access for security and emergency services. VDOT recognizes that is desirable and considers that an appropriate and necessary use of the existing roadway.

Therefore, in the absence of Water Country USA's concurrence with the abandonment of this part of Route 640, any order abandoning this part of Route 640 must be considered premature. In this case, VDOT will consider the order of abandonment inoperative and will continue to exercise operational jurisdiction over the roadway.

However, VDOT recognizes that a conditional order of abandonment has merit, provided it becomes operative at such time as:

1. The Commonwealth Transportation Board's authorizes a break in the limited access of Route 199 and a new entrance serving Water Country from Route 199 is constructed to the satisfaction of all concerned and it is opened to the public; and
2. Water Country USA either:
 - i. Concurs with the abandonment of Route 640 from Route 199 to its present entrance; or
 - ii. Route 640 is otherwise replaced with a public road meeting all provisions of §33.1-155, Code of Virginia, and the new road is accepted by VDOT for maintenance as part of the state maintained secondary system.

If the York County Board passes such a conditional order of abandonment, VDOT will continue to exercise operational jurisdiction over this part of Route 640 until all necessary conditions are satisfied; after which, the road will be considered abandoned and any surplus right of way may be conveyed to appropriate parties.

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If you have any questions, please contact VDOT's Residency Administrator, Jim Brewer at (757) 253-5140. Mr. Brewer will represent VDOT at any public hearing requested for this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "K M Smith", is written over a light gray rectangular background.

Kenneth M. Smith
Asset Management Division
Highway Systems Inventory Manager